IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

Crl.MC.No. 986 of 2007()

C.R.NO.44 OF 2002 OF EXCISE RANGE OFFICE, VAMANAPURAM, THIRUVANANTHAPURAM

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PETITIONER: ACCUSED 1 & 2

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1. SUNILKUMAR, S/O.THANKAPPAN NAIR,
USHA BHAVAN,
NEAR PERINGAMALA N.S.S HIGH SCHOOL,
ANADU MURI,
PERINGAMALA VILLAGE, NEDUMANGADU TALUK.

2. VIJAYAKUMAR, S/O.DIVAKARA PANICKER,
MADAVILAKATH PUTHENVEETTIL,
VITTIYAM DESOM, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY EXCISE INSPECTOR, EXCISE RANGE OFFICE, AMARAVILA, THIRUVANANTHAPURAM DISTRICT, BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO.986 OF 2007

Dated this the 27th day of March, 2007

ORDER

The learned counsel for the petitioners submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala v. Unni (**2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.44/02 of the Excise Range Office, Vamanapuram, Thiruvananthapuram, against the petitioners is hereby quashed.

3. Issue copy of this order to the learned counsel for the petitioners today itself.

(R. BASANT, JUDGE)

rtr/